

case no. 19-0266 ML

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JUN 21 2022

MITCHELL R. ELFERS
CLERKU.S. District Court New Mexico /
CDC / New Mexico Dep. corr.

KRS

Name: Charles A. S. Barnes pg. 1/3

Facility: NEW MEXICO NM C# 5329B

Reason: Classification appeal

Classification appeal

This is a classification appeal against this JNS and classification because it is an injury and defamation I had to sign an illegal JNS forwarded assertion by the District court of Colorado and New Mexico Department of corrections that should be overturned for the following reasons:

1. The JNS was an illegally made document that was illegally signed by the paralegal STEPHANIE STRICKSON, that cannot be legally signed by representatives of the concerned JNS on the dates of 8-2-12; 1-8-17

pgd/3
q-21-16

dismissals of the dates of 6-1-18; 8-6-18; 9-1-18 and Habens corpus from the District of New Mexico on the date of 11-20-18.

These seem logical to assume that the hearings were dismissed and case acquitted as causal effect of the Habens corpus from District of New Mexico as prepared to Santa Fe.

2(b) The JVS was perfunctory and incompetently made by the illegal paralegal inclusions an responsibility of STEPHANIE Erickson which did not oversee the case because it was District Attorney Leslie Williams. Also the signature of an paralegal in District Attorney case is an illegal fraudulent signature that shows an invalid JVS.

3(a) According Act: II U.S.C § 8; II U.S.C § 14 of the Bill of Rights.

by 3/3

without a fair hearing
any hold of incarceration shall
be held be illegal.
With the MATTER'S CORPUS
and dismissals of trial
hearing process and illegally
signed JUS, this classification
is perjurious and illegal.

Please acknowledge:

A copy has been given
to the institution of SNMC
and the Department of
Corrections countless times
but this time especially

Please also see front side of form
 Form CD-080102.10
 Revised 08/24/16

"given to institution at"
 SNM CF

**NEW MEXICO CORRECTIONS DEPARTMENT
INMATE CLASSIFICATION APPEAL FORM**

INMATE'S NAME:

Charles J. Brown NMCD#:

53480

INSTITUTION:

SNMCF HOUSING UNIT:

3B-F

DATE OF CLASSIFICATION DECISION OR RECOMMENDATION THAT IS BEING
APPEALED:

DATE RECEIVED BY INSTITUTIONAL CLASSIFICATION APPEALS
OFFICER: _____ LOG#: _____

NOTE: This form must be submitted to the Institutional Classification Appeals Officer within 15 calendar days of the classification recommendation/decision. For further information on filing a classification appeal, see Policy CD-080100 in the Law Library.

STATE APPEAL: Include documentation and specific reasons for your appeal. Use additional pages, if necessary. *This is an upper level classification decision to SNMCF, involving etc. as follows on 3 pages and explain.*

Inmate's Signature: M. Brown

Date: 4-13-22

TO BE COMPLETED BY THE CLASSIFICATION APPEALS OFFICER

- A. Your classification appeal is accepted for consideration
- B. Your appeal is being returned to you for the following reason(s):
 - 1. The appeal is currently under review.
 - 2. The appeal does not involve a classification decision.
 - 3. The appeal is a group appeal or petition.
 - 4. The appeal is not timely.
 - 5. Other: Specify _____

Classification Appeals Officer

Date Received

CLASSIFICATION APPEALS OFFICER'S INVESTIGATION AND RECOMMENDATION:

CLASSIFICATION APPEALS OFFICER

DATE

DECISION OF WARDEN

APPEAL GRANTED _____

APPEAL DENIED _____

REASONS: _____

SIGNATURE _____

DATE: _____

DATE RETURNED TO INMATE: _____

STATE OF NEW MEXICO
COUNTY OF EDDY
FIFTH JUDICIAL DISTRICT

FIFTH JUDICIAL
DISTRICT COURT
EDDY COUNTY
FILED IN MY OFFICE

2013 JAN -8 AM 9:34

ERIC ELLIS
DISTRICT COURT CLERK

STATE OF NEW MEXICO,

Plaintiff,

vs.

CHARLES BARNES,

Defendant.

No. D-503-CR-200900092

Judge J. Richard Brown

CORRECTED JUDGMENT AND ORDER PARTIALLY SUSPENDING SENTENCE

THIS MATTER came before the Court for sentencing on May 29, 2012. The State of New Mexico was represented by Stephanie Erickson, Assistant District Attorney. The Defendant was present and appeared, Pro Se.

The Defendant was convicted on February 21, 2012, pursuant to a finding of guilt by the Court accepted and recorded by the Court, of the offenses of Attempt to Commit a Felony, to wit: First Degree Murder (Willful or Deliberate), (0039), a second degree felony, contrary to §30-02-01(A)(1), NMSA 1978, and §30-28-01, NMSA 1978, occurring on or about February 07, 2009, as charged in Count 1 of the Criminal Information; Aggravated Burglary (Deadly Weapon), (0186), a second degree felony, contrary to §30-16-04(A), NMSA 1978, occurring on or about February 07, 2009, as charged in Count 2 of the Criminal Information; Kidnapping (In the First Degree), (0116), a first degree felony, contrary to §30-04-01, NMSA 1978, occurring on or about February 07, 2009, as charged in Count 3 of the Criminal Information; and, Tampering with Evidence (Capital Crime or First or Second Degree Felony), (4230), a third degree felony, contrary

WTC: da
def

State v. Charles Barnes
Corrected Judgment and Sentence

D-503-CR-200900092
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(CODIS) to the Probation and Parole Division of the New Mexico Corrections Department, pursuant to the DNA Identification Act, §29-16-1 et seq., NMSA 1978.

The Defendant is advised by the Court of Defendant's right to appeal the judgment and order of this Court. If the Defendant is unable to pay the costs of an appeal, the Defendant has a right to proceed with an appeal at the State's expense and at no cost to Defendant. Further, if any appeal is to be taken, it must be filed within thirty (30) days of the date of the filing of this Judgment and Sentence.

J. Richard Brown
District Judge

Name: Charles Barnes
Address: 303 E. Chapman, Carlsbad, NM 88220
DOB: 01/23/1982
POB: South Carolina
SSN: 250-51-9229
Height: 5'11
Weight: 180
Color of Eyes: Black
Color of Hair: Black
FBI No.: 787372CB9
Marks/Tattoos: Tattoo, Chest, Too Smooth; Tattoo, Shoulder, right, Sword & Dragon;
Tattoo, Back, naked woman; Tattoo, Back, grim reaper; Tattoo, Back, cross;
Scar, Face, nonspecific(use MIS field to further describe location); Scar,
Head, nonspecific(use MIS field to fur
Aliases: Charles Johnson Barnes; Charles Damorris Barnes; Too Smooth Barnes;
Booking Slip No.: 000122
State Tracking No.: 011090000104

State v. Charles Barnes
Corrected Judgment and Sentence

D-503-CR-200900092
Page 6 of 6

SUBMITTED & APPROVED BY:

Stephanie Erickson
Assistant District Attorney
102 N. Canal, Ste 200
Carlsbad, NM 88220
575-885-8822

APPROVED BY: *Astroform*:

Mr Barnes declined to
sign at presentent Hearing
Pro Se
le CF-09-0189 *(J.R.-3 30 Oct 12)*



STATE OF NEW MEXICO
COUNTY OF EDDY
FIFTH JUDICIAL DISTRICT

2012 AUG -2 AM 11:28

JAC ELLIS
DISTRICT COURT CLERK ✓

STATE OF NEW MEXICO,

Plaintiff,

vs.

CHARLES BARNES,

Defendant.

No. D-503-CR-200900092

Judge J. Richard Brown

JUDGMENT AND ORDER PARTIALLY SUSPENDING SENTENCE

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xc: PA, DA, Defendant, SO, CA

/

FIFTH JUDICIAL
DISTRICT COURT
EDDY COUNTY
FILED IN MY OFFICE

DS

FIFTH JUDICIAL DISTRICT COURT)
COUNTY OF EDDY)
STATE OF NEW MEXICO)
)
STATE OF NEW MEXICO)
Plaintiff,)
vs.)
)
CHARLES BARNES)
Defendant,)
)

2012 NOV -9 AM 10: 24
ERIC ELIS
DISTRICT COURT CLERK

No. CR-2009-092

**SUMMARY DISMISSAL OF DEFENDANT'S "MOTION FOR
CORRECTION 5-513(A)" [sic]**

THE COURT HAS REVIEWED Defendant's Motion for Correction 5-513(A) [sic] filed on November 5, 2012. The Court finds Defendant's Motion wholly without merit. First, the Court can find no rule in New Mexico Rules Annotated numbered "5-513(A)". To the extent that the Court can determine, Defendant's request for relief apparently is for a correction of some error or potential error that the Court has committed or is "in danger" of committing. The Court cannot determine what alleged error Defendant is concerned about and, after a search of the rules, the Court cannot find a rule or rules that would apply to the ambiguous relief sought in Defendant's Motion.

ADDITIONALLY, THE COURT notes that Defendant has not presented any basis for the Court taking any action on a post-judgment request for relief. However, to the extent that the Defendant is requesting a new trial the Court finds that there are no grounds and HEREBY DENIES such request. To the extent that the Defendant is requesting reconsideration of his sentence the Court HEREBY DENIES such request.

THEREFORE THE COURT SUMMARY DISMISSES Defendant's Motion.

J.R.B.
J. RICHARD BROWN
DISTRICT JUDGE

exhibit 5 (3 pg)

Summary Dismissal of the Appeal is Proposed. Defendant appeals from the district court's order filed on January 12, 2012. [RP 309] The notice of appeal was timely filed on January 27, 2012. [RP 331] The district court's order was entered upon Defendant's motion for library usage that Defendant filed on December 16, 2011. [RP 308] Defendant has not yet been tried upon the charges filed, and no final judgment has been entered. As such, Defendant is not appealing from entry of a final judgment. Moreover, Defendant is not appealing from an order denying relief on a petition to review conditions of release; and Defendant has not filed an application for interlocutory appeal that is certified by the district court for interlocutory review.

See NMSA 1978, § 39-3-3 (A) (1972); see also Rule 12-203(A) NMRA.

Thus, it appears that in this case, Defendant is attempting to appeal from a nonfinal, nonappealable order, and this Court lacks jurisdiction to review it on the merits. *See, e.g., State v. Garcia*, 99 N.M. 466, 471, 659 P.2d 918, 923 (Ct. App. 1983) (holding that in a criminal case, the final judgment is the judgment and sentence or an order dismissing all the charges against the defendant); *see also, e.g., High Ridge Hinkle Joint Venture v. City of Albuquerque*, 119 N.M. 29, 37, 888 P.2d 475, 483 (Ct. App. 1994) (stating that a final order is one that disposes of the case or effectively concludes it by court action), *rev'd on other grounds by* 1998-NMSC-050, 126 N.M. 413, 970 P.2d 599; and *see, e.g., Murphy v. Strata Prod. Co.*,

exhibit S (3 pgs)

1 **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

2 **STATE OF NEW MEXICO,**

3 Plaintiff-Appellee,

4 v.

NO. 31,924

5 **CHARLES BARNES,**

6 Defendant-Appellant.

7 **APPEAL FROM THE DISTRICT COURT OF EDDY COUNTY**

8 **J. Richard Brown, District Judge**

9 Gary K. King, Attorney General
10 Santa Fe, NM

COURT OF APPEALS OF NEW MEXICO
ALBUQUERQUE
FILED

11 for Appellee

JUL 09 2012

Wendy Fojus

12 Charles Barnes
13 Carlsbad, NM

14 Pro Se Appellant

15 **MEMORANDUM OPINION**

16 **VIGIL, Judge.**

17 Summary dismissal was proposed for the reasons stated in the notice of
18 proposed summary disposition. No memorandum opposing summary dismissal has

Attack on personal service as having been obtained by fraud or trickery, 98 A.L.R.2d 551.

Time when voluntary nonsuit or dismissal may be taken as of right under statute so authorizing at any time before "trial," "commencement of trial," "trial of the facts," or the like, 1 A.L.R.3d 711.

Dismissing action or striking testimony where party to civil action asserts privilege against self-incrimination as to pertinent question, 4 A.L.R.3d 545.

Dismissal, nonsuit, judgment or direction of verdict on opening statement of counsel in civil action, 5 A.L.R.3d 1405.

Dismissal of action because of perjury or suppression of evidence by party, 11 A.L.R.3d 1153.

Attorney's inaction as excuse for failure to timely prosecute action, 15 A.L.R.3d 674.

Right of one spouse, over objection, to voluntarily dismiss claim for divorce, annulment or similar marital relief, 16 A.L.R.3d 283.

Application to period of limitations fixed by contract, of statute permitting new action to be brought within specified time after failure of prior action for cause other than on the merits, 16 A.L.R.3d 452.

Voluntary dismissal of replevin action by plaintiff as affecting defendant's right to judgment for the return or value of the property, 24 A.L.R.3d 768.

What amounts to "final submission" or "retirement of jury" within statute permitting plaintiff to take voluntary dismissal or nonsuit without prejudice before submission or retirement of jury, 31 A.L.R.3d 449.

Dismissal of state court action for failure or refusal of plaintiff to answer written interrogatories, 56 A.L.R.3d 1109.

Dismissal of plaintiff's action as entitling defendant to recover attorneys' fees or costs as "prevailing party" or "successful party," 66 A.L.R.3d 1087.

Construction, as to terms and conditions, of state statute or rule providing for voluntary dismissal without prejudice upon such terms and conditions as state court deems proper, 34 A.L.R.4th 778.

Dismissal of state court action for plaintiff's failure or refusal to obey court order relating to pleadings or parties, 3 A.L.R.5th 237.

Propriety of dismissal under Federal Civil Procedure Rule 41(a) of action against less than all of several defendants, 3 A.L.R. Fed. 569.

Propriety of dismissal for failure of prosecution under Rule 41(b) of Federal Rules of Civil Procedure, 20 A.L.R. Fed. 488.

Plaintiff's right to file notice of dismissal under Rule 41(a)(1)(i) of Federal Rules of Civil Procedure, 54 A.L.R. Fed. 214.

Appealability of order imposing conditions upon grant of plaintiff's motion for dismissal without prejudice, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, 75 A.L.R. Fed. 505.

20 C.J.S. Costs § 35; 27 C.J.S. Dismissal and Nonsuit §§ 7 to 39, 41 to 91.

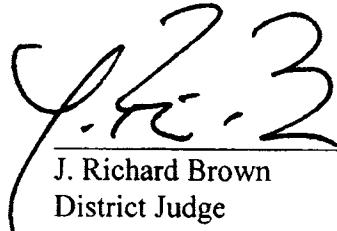
State v. Charles Barnes
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IT IS FURTHER ORDERED that, as to Counts 1, 2, 3 and 4, the Defendant shall pay a \$5.00 Domestic Violence Treatment Fee for a total of \$20.00.

IT IS FURTHER ORDERED that the Defendant shall provide a sample of biological material sufficient for DNA testing and shall pay a fee of \$100.00 for the combined DNA Index System (CODIS) to the Probation and Parole Division of the New Mexico Corrections Department, pursuant to the DNA Identification Act, §29-16-1 et seq., NMSA 1978.

The Defendant is advised by the Court of Defendant's right to appeal the judgment and order of this Court. If the Defendant is unable to pay the costs of an appeal, the Defendant has a right to proceed with an appeal at the State's expense and at no cost to Defendant. Further, if any appeal is to be taken, it must be filed within thirty (30) days of the date of the filing of this Judgment and Sentence.



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Page 6 of 6

Aliases: Charles Johnson Barnes; Charles Damorris Barnes; Too Smooth Barnes;
Booking Slip No.: 000122
State Tracking No.: 011090000104

SUBMITTED & APPROVED BY:

Stephanie Erickson
Assistant District Attorney
102 N. Canal, Ste 200
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575-885-8822

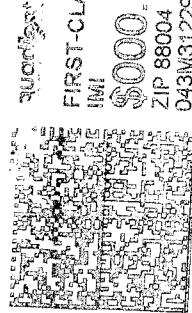
APPROVED BY:

Refused to sign following
presentment hearing. JPB
Pro Se
le CF-09-0189
30JUL12



U.S. POSTAGE

FIRST-CLASS MAIL
IN
\$000.93
ZIP 88004
043W31229962



Charles D. Barnes #3340
is NICE
P.O. Box # 639
Las Cruces, NM, 88004

RECEIVED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

U.S. Court of District
Court of New Mexico
- Court House -
333 Las Ceras Blvd. N.W.
Albuquerque, NM. #7100

JUN 21 2022 CECAC Special Agent
MITCHELL R. ELFERS Mail
CLERK Confidential
CIV A. 1-20-4141
FBI Lab Handout
#151801